

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 8050

BILL NUMBER: HB 1997

DATE PREPARED: Jan 10, 2001

BILL AMENDED:

SUBJECT: Bail and bail procedure.

FISCAL ANALYST: Mark Goodpaster

PHONE NUMBER: 232-9852

FUNDS AFFECTED:

**GENERAL
DEDICATED
FEDERAL**

IMPACT: Pending

Summary of Legislation: Provides that if a defendant was admitted to bail by depositing cash or securities in an amount not less than 10% of the bail and failed to appear as ordered, the court must declare the cash or securities and the remainder of the bail forfeited. Provides that judgment may be withheld for 120 days. Provides that, if the cash or securities and the remainder of the bail has been forfeited or the 120 day period has expired, the court: (1) may not release the defendant on personal recognizance; (2) may not set bail for the rearrest of the defendant at an amount less than the original bail; and (3) may only readmit the defendant to bail under certain circumstances. Provides that, if a defendant executed a bail bond, deposited cash or securities in an amount equal to bail, or executed a bond secured by real estate and failed to appear as ordered, the court must issue a warrant for the defendant's arrest and declare the bail bond forfeited. Provides that, after a bond has been forfeited, the clerk must immediately mail notice of forfeiture to the defendant. Provides that, unless the court finds that there was justification for the defendant's failure to appear within the 120 days after the date the notice was mailed, the court must immediately enter judgment against the defendant for the amount of the bail the day after the 120 day period expires.

Effective Date: July 1, 2001.

Explanation of State Expenditures: *As of the above date, the fiscal analysis of this bill has not been completed. Please contact the Office of Fiscal and Management Analysis for an update of this fiscal impact statement.*

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected:

Information Sources: